PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL.

OFFICIAL REPORT.

Fourth Session of the Second Legislative Council under the Government of India Act.

VOLUME XXIV.

Tuesday, the 18th August 1925.

The House met at 11 o'clock, Mr. President (the hon. Diwan Bahadur L. D. SWAMIKANNU PILLAI Avargal, C.I.E., I.S.O.) in the chair.

I

NEW MEMBERS.

The following Members made the prescribed oath or affirmation of allegiance to the Crown:—

M.R.Ry. B. P. SESHA REDDI Garu.
,, R. MADANAGOPAL NAYUDU Garu.
Mr. E. W. LEGH, C.I.E., I.C.S.
,, G. T. BOAG, I.C.S.
Sahib Mehrban-i-dostan Sri RAMACHANDRA MARDARAJA DEO.
Lieut.-Col. J. P. CAMERON, C.I.E., I.M.S.
M.R.Ry. Rao Bahadur V. T. KRISHNAMA ACHARIYAR Avargal.

II

OPENING OF THE SESSION BY HIS EXCELLENCY THE GOVERNOR.

[NOTE.—**An asterisk * at the commencement of a speech indicates reivsion by the Member.**]

* HIS EXCELLENCY THE GOVERNOR addressed the Council thus:—

"Mr. President and hon. Members of the Legislative Council,—It is just a year to-day since I had the pleasure of welcoming hon. Members of this House at the commencement of a session and of reviewing in advance the legislative measures which were being placed before you for your consideration. It is once more my privilege to meet hon. Members and inform the House of the principal items of Government business which we propose to bring forward during the current session. Before however I do this, I would like to refer to the loss which this Council and the Presidency in general has sustained since last I addressed you in the death of one of our foremost citizens who was at one time a familiar figure in this Chamber. We shall miss the sage counsel and strong personality of Sir Tyagaraya Chetti, and I feel sure hon. Members will wish to place on record their sense of the loss which this House has sustained by reason of his death.

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"When I addressed the Legislative Council last August, one of the subjects which was engaging the attention of the Government was the Mettur project and I stated then that we proposed to place before the House a resolution asking for your approval of the project. Hon. Members will share with my Government the satisfaction we feel that as a result of the conclusion of negotiations with Mysore we were enabled to obtain the sanction of the Secretary of State to the construction of a project which will not only help to irrigate over 300,000 acres of fresh land but will also protect and safeguard the existing irrigation system in the Trichinopoly and Tanjore districts. I need not remind you that the land to be newly brought under irrigation has been until now a comparatively barren upland tract and the reclamation of the inhabitants of that locality who to a large extent belong to the Kallar community will be one of the notable results which we hope to achieve by the fruition of this scheme. It was my privilege to inaugurate this great scheme on the 20th July last, and I was gratified to observe the presence of several Members of this House who proved the interest they felt in the project by undertaking the long motor journey to

11-15 a.m. the site of the inauguration ceremony. Before I leave this subject, I should like to congratulate my hon. Colleague Sir C. P. Ramaswami Ayyar and all those who have worked under him on the success that has attended their unflagging efforts to promote one of India's greatest irrigation projects.

"I took the opportunity on the occasion to which I have just referred to mention the schemes of hydro-electric development which as the House are aware has been engaging the attention of Government for some time past. It is the object of my Government to initiate and push through as expeditiously as possible certain schemes for the cheap production of power from hydro-electric centres. The most promising of the schemes is the one in relation to the Pykhara waterfalls which the Government are anxious to inaugurate not only because of the natural facilities of the particular locality but because for various reasons it will in our opinion be the best object-lesson to the people at large of the advantages of cheap power. Certain negotiations which have been pending for the purpose of enabling the Government to reacquire control over the water-power in the locality and to repurchase the concession that had been granted by the Madras Government before they envisaged schemes for the utilization of such power have just now been happily concluded and I trust that it will be possible to start work at a very early period. Hon. Members of this Council will also be interested to learn that a joint investigation of hydro-electric possibilities in South India is now being carried on by the Government and the South Indian Railway Company and if, as is hoped, the results of such investigation are favourable, the subject of electrification of part at least of the South Indian Railway will come within the range of practical politics. Such electrification will not only be of great use from the railway point of view but will establish centres of distribution and utilization of our power resources.

"As hon. Members of this Council must have seen, the Governor-General in Council, with the sanction of His Majesty's Secretary of State for India, has issued certain orders on the subject of financing of branch lines in supersession of all previous orders. There has been considerable discussion in the Press and elsewhere on certain aspects of this resolution and a

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conference was recently held at Ootacamund at which representatives of my Government, of the Railway Board and of selected District Boards were present. It is my earnest hope that a *modus vivendi* may be reached which will be acceptable to the District Boards and the public of this Presidency and will at the same time permit of a steady and continuous expansion of railway facilities in this province. It is a matter for profound gratification that the Government of India and the Railway Board have set before themselves a fairly comprehensive programme of railway development spread over the next few years to which, from all that can be gathered, immediate attention will be directed.

"Acting on the reports of the District Magistrate and the Deputy Inspector-General supported as they were by the Inspector-General of Police, the Government recently stationed special police in some villages of the Gooty taluk in the Anantapur district. Thereupon, a demand was made for an enquiry into the circumstances under which such a step was taken and the necessity therefor, and the Government appointed Mr. Courtenay, an experienced Judicial officer, to conduct the enquiry. Hon. Members have no doubt perused the report of the enquiry submitted by Mr. Courtenay and the orders of the Government thereon. It will be seen that Government, accepting Mr. Courtenay's report, have modified the original orders in the light of the observations contained therein. It is to be hoped that the conditions of the district will improve very soon, and that the evils pointed out in the report will shortly be eradicated by means of the co-operation of the officials and the public so that it will be possible for Government to revert to normal measures for the maintenance of law and order at a very early period.

"A press communiqué has been recently published regarding the extension of the term of office of the two additional judges appointed to the Madras High Court, and it is unnecessary to reiterate the grounds on which the Government have felt themselves obliged, in the interests of the public, to continue the two appointments till the end of February 1926. My Government trust that the congestion of work in the highest court in the Presidency is only a temporary feature, and that, before this period expires, it will be possible to secure disposal of the old cases the pendency of which has caused the Honourable the Judges much concern. Hon. Members will doubtless have noticed that the action taken has been on lines contemplated, and indeed suggested, by the Civil Justice Committee.

"Hon. Members will have seen that as contemplated by the Reservation of Bills Rules the Madras Irrigation Bill, which was passed by the Council on 5th December 1924, has been reserved by me for the consideration of His Excellency the Governor-General. While the provisions of the Bill are in the main beneficent in character and are calculated to facilitate the progress of construction and proper maintenance of irrigation works, including canals, channels and reservoirs used for the storage and supply of water, it cannot be denied that some provisions have been introduced during the final passage of the Bill in the Legislative Council which are a substantial modification of the principles hitherto followed in regard to land revenue policy with which the subject of irrigation is closely inter-connected. When modifications such as these have been made, it is my duty under the Reservation Rules to reserve the Bill for the scrutiny and consideration of the Governor-General, and indeed there is no alternative possible under the

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law as it stands. For example, the Bill has given registered holders the right to use for irrigation without any liability to cess the water of any natural stream situated on lands held by them. The Bill has also conferred on landholders a statutory right to remission in case of omission on the part of the Government to execute repairs to an irrigation work. Further, a right of suit has been conferred in regard to the question whether the water used by a person for irrigation is beneficial to, and sufficient for, the requirements of his crop. There is also the question of exemption from cess in the case of land irrigated by percolation. The delay in reservation has been due to the need for consultation with the District authorities who will be charged with the actual working of the provisions of the Bill and who are naturally cognizant of the nature and extent of the practical difficulties that may arise by reason of the provision. I trust that the Bill will ere long be returned to us by His Excellency the Governor-General after he has considered the matters that arise for his decision.

"During my tours in Ganjam and Chittoor districts representations were made to me as to the need for taking early steps for the amendment of the Estates Land Act. The Council is aware that a Committee on which all the interests concerned are represented has been appointed to consider the suggestions made for revising the provisions of the Act in the light of the defects noticed from time to time in its working. The subject is one of much complexity, and I am glad to learn that the Committee has made substantial progress in its deliberations and will be in a position to submit its report shortly to the Government.

"And now let me inform hon. Members of the legislative measures which we propose to introduce for their consideration during the ensuing session. One of the principal items will be the report of the Select Committee on the Cochin Port Trust Bill. It must be within the cognizance of hon. Members that very recently and in pursuance of the scheme to take advantage of the immense natural facilities offered by the Port of Cochin and to turn Cochin into a major port, an agreement has been reached between the Government of India and the Darbars of Cochin and Travancore. It is confidently expected that before many years pass Cochin will become a great maritime centre to which will flow a very large proportion of trade from the southern and western portions of the Presidency. It has therefore become necessary to make adequate
11-30 a.m. provision for the regulation, conservancy and improvement of that port and for the constitution of a Board of Trustees, and further to provide for the levy and recovery of rates and fees by that Board. These provisions are embodied in the Bill which my Government are introducing this session of the House.

"Another measure which will be placed before you at this meeting is the Borstal Bill. This Bill is intended to make provision for detaining offenders who are of impressionable age, i.e., between 16 and 21, in special institutions in which they will be given industrial training and other instruction and subjected to such disciplinary and moral influences as will conduce to their reformation instead of sending them to ordinary jails in which they would be brought into contact with adult offenders and recidivists. Hon. Members may have seen the statistics furnished by the Lord Chief Justice of England before the International Prison Congress showing that under the Borstal system 70 per cent and 80 per cent of boys

and girls, respectively, never relapse after release. The experiment of giving 'adolescent' offenders a special training in a separate institution has been tried in this Presidency in the Borstal school at Tanjore with very satisfactory results and it is now sought to place the whole system on a sound legal basis. I trust the provisions of the Bill will commend themselves to the Council.

"In addition, I may mention the Village Officers' Restoration Bill, which it is hoped to introduce this month.

"The Land Revenue Settlement Bill which it was intended to bring in this session is awaiting receipt of the Governor-General's sanction, and must therefore lie over for the present.

"The hon. the Minister for Education will lay before you a Bill to constitute the Andhra University. The history of the demand for this University and the many discussions which have taken place regarding its character, location and aims must be well known to the hon. Members of this House. The Madras University has in its colleges over fifteen thousand students, of whom approximately three thousand are students from the Telugu districts. These figures show that an Andhra University would meet the needs of a large student community. The aims of the new University will be to develop a real corporate and academic university life at certain carefully chosen centres, to identify itself with the commercial and industrial needs of the country by the establishment of technical colleges and to foster scholarship and research by an extension of the existing facilities for advanced literary and scientific study in the Telugu country.

"As hon. Members of this House are aware, an annual contribution of 348 lakhs to the Government of India has, since the inauguration of the Reforms, been a first charge on our revenues. With effect from this year, this contribution has been reduced by 126 lakhs. The budget for the current year which was passed by this House in March last did not take this remission into account and provided for expenditure chargeable to the revenue account which was in excess of our estimated revenue by no less than 96½ lakhs. As a result of the remission, this serious deficit was converted, into a surplus of approximately 29½ lakhs.

"On the 30th March 1925 additional demands relating to 1925–26 amounting to about 4 lakhs were placed before the House which, however, postponed consideration of these demands as they desired to know how it was proposed to utilize the additional revenues rendered available by the reduction in the contribution. Various hon. Members also expressed the desire that these revenues should be largely used for the benefit of the Transferred departments. The demands which were placed before the House in respect of items the consideration of which was postponed in March last, have been reduced to 2¼ lakhs. After providing for these items the surplus in the current year's budget will, on the assumption that our revenue forecast is realized, be approximately 27⅓ lakhs. In deference to the wishes of this House and having regard to the many administrative needs of the province, my Government have decided to devote the whole of this sum to expenditure on the Transferred departments. I sincerely hope that no unforeseen circumstances will adversely affect the financial situation with reference to which this decision has been reached.

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"Hon. Members will in due course be asked to vote supplementary demands indicating in detail the proposed utilization of this sum, which will enable the hon. the Ministers to carry out their progressive schemes in the Departments of Education, Public Health and Industries. Funds will, I hope, thus be made available for the extension of elementary education, medical relief, water-supply, and roads in rural areas. There is also before Government a proposal to make provision for granting further relief to tubercular patients in this Presidency, and fighting the terrible disease which takes annually such heavy toll of our people.

"The hon. the Minister for Development will move a resolution that the Cotton Transport Act be made applicable to this Presidency in order to protect certain areas in which cotton of good quality is grown from the admixture of inferior cotton. The practice of adulterating cotton has grown to such a point that the cultivator of good cotton is no longer able to realize the intrinsic value of his produce.

"In conclusion, I have to inform hon. Members that I have decided to allot two days for non official business this month.

"I have briefly adumbrated the important matters which will form the subject of discussion during this session of the Council and I pray that Providence may guide your deliberations in the interests of the peace and contentment of the people of this Presidency." (Cheers).

III

(1)

REMARKS BY THE HON. THE PRESIDENT ON INTERPELLATIONS.

*The hon. the PRESIDENT :—"I have to make a few remarks on the subject of questions. The number of questions generally, and of starred questions in particular, which are set down to be answered every day has grown so steadily of late that I have once more to invite the co-operation of hon. Members in restricting questions to matters of fact which are not only of public concern but on which useful information can be furnished by the Government.

"The first category of objectionable questions consists of interpellations which are not, properly speaking, questions but merely matters to which it is desired to draw the attention of the Government.

"(*a*) It is obvious that a question is not constituted as such by merely placing a note of interrogation at the end of a sentence giving utterance to a sentiment or a truism, to an argument or an innuendo, to a censure of a public official or to a grievance suffered by a private person. Every question demands an answer; but a question evasive of the rules is not unnaturally provocative of an answer evasive of the question. For instance, if the Government are asked how long they are going to take to pass orders on a subject which has been under consideration for perhaps ten years, the question is in effect a censure of the Government, and the answer to it naturally cannot be very illuminating.

"(*b*) Above all, a question ought to be short and it cannot be short if an M.L.C. insists on telling first of all a long story in the form of a series of questions, and if, in the event, twenty questions are put by way of introduction to the last question which alone required an answer. In this case,